

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

CHARLOTTE DESSELLS AND	*	CIVIL ACTION NO.
JULIE DESSELLS	*	
	*	JUDGE
VERSUS	*	
	*	MAGISTRATE
NATIONAL INTERSTATE INSURANCE	*	
COMPANY, SLAY TRANSPORTATION CO,	*	
INC. AND FELIPE D. TOVAR	*	<b>JURY TRIAL</b>
* * * * *		

**NOTICE OF REMOVAL**

NOW INTO COURT, through undersigned counsel, comes Defendant, **National Interstate Insurance Company**, and files this Notice of Removal as follows:

1.

The above-entitled lawsuit was filed in the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana, bearing Docket Number 2021-4167, Div. "H," and is now pending there. The original Petition for Damages was filed on September 29, 2021. Please see Citation upon Defendant and Petition for Damages, attached as **Exhibit A**. Citation and a copy of the original Petition for Damages was served on National Interstate Insurance Company, via its registered agent, on November 22, 2021. *Id.* Upon information and belief, at this time neither Slay Transportation Co., Inc. nor Mr. Felipe D. Tovar have been served with Citation and a copy of the original Petition for Damages, but once they are served, they too will be represented by undersigned counsel and will, if necessary, consent to removal.

2.

The aforementioned suit is a civil action filed by Plaintiffs, **Charlotte Dessells** and **Julie Dessells**.

3.

Plaintiffs seek an award of damages against National Interstate Insurance Company, Slay Transportation Co., Inc. and Mr. Felipe D. Tovar for injuries and damages allegedly arising out of an automobile accident that occurred on October 8, 2021 on Interstate 10 in Calcasieu Parish, Louisiana. Exhibit A.

4.

Plaintiffs are of the age of majority domiciled in the Calcasieu Parish and is a citizen of Louisiana. Exhibit A.

5.

Defendant, National Interstate Insurance Company, is a foreign insurance company with its place of incorporation and its principal place of business in Ohio.

6.

Slay Transportation Co., Inc. is a foreign corporation with its place of incorporation and its principal place of business in Missouri.

7.

Mr. Felipe D. Tovar is an individual of the age of majority and is a citizen of and domiciled in Texas.

8.

Plaintiffs' Petition for Damages alleges Defendants are liable for various acts of negligence of Mr. Tovar resulting from the subject accident. Exhibit A. The Petition for

Damages alleges Slay Transportation Co., Inc. is liable as the employer of Mr. Tovar at the time of the accident and as the owner of the tractor and trailer Mr. Tovar drove at the time in question. *Id.* Finally, the Petition for Damages alleges National Interstate Insurance Company issued a policy of insurance covering the vehicle operated by Mr. Tovar at the time of the subject accident and is therefore liable as well. *Id.*

9.

Defendant alleges this Honorable Court has original jurisdiction over this matter pursuant to Article III of the United States Constitution and 28 U.S.C. §1332 because diversity of citizenship exists between Plaintiffs and Defendant, Slay Transportation Co., Inc. and Mr. Tovar and, upon information and belief, because the alleged damages to Plaintiffs each exceed \$75,000.00, exclusive of interest and costs.

10.

Plaintiffs claim damages which exceed “the jurisdictional amount for federal court.” Exhibit A. Further, the Plaintiffs claim “severe injuries.” *Id.* Specifically, Plaintiffs maintain the accident caused “severe injuries to [their] entire body, including but not limited to [their] neck and back, along with severe nervous shock, and had to seek extensive medical attention. *Id.* They claim past and future medical expenses, past and future physical and mental pain and suffering, discomfort, anxiety, distress, disfigurement and inconvenience and loss of enjoyment and quality of life. *Id.*

11.

While Defendant denies liability for any alleged injuries of Plaintiffs, the Petition for Damages on its face claims damages may exceed the sum of \$75,000, exclusive of interest and costs.

12.

Accordingly, Defendants are entitled to remove this matter to this Honorable Court for disposition pursuant to the removal provisions of 28 U.S.C. §1441 *et seq.*, as amended.

13.

The time in which Defendants herein may remove this matter has not yet expired. This Notice of Removal is filed within thirty days of the date Defendant received service of Citation and the original Petition for Damages.

14.

Defendants file herewith a copy of all documents served upon them in this action and the record of the state court as **Exhibit B**.

17.

In accordance with 28 U.S.C. §1446(d), Defendants will provide appropriate Notice of Filing Notice of Removal to Plaintiffs, Charlotte Dessells and Julie Dessells, and to the Clerk of Court for the 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, by filing of this Notice of Removal and the Notice of Filing Notice of Removal into the record of the state court action.

**JURY DEMAND**

19.

Defendant is entitled to and requests a trial by jury on all issues herein.

WHEREFORE, Defendant, National Interstate Insurance Company, prays the suit entitled, “*Charlotte Dessells, et al. v. National Interstate Insurance Company, et al.*,” now pending in the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana and bearing Docket Number 2021-4167, Div. “H,” be removed to this, the United States District Court for

the Western District of Louisiana, and for trial by jury and all just and equitable relief as allowed by law.

Respectfully submitted,

*/s/ Nathan M. Gaudet*

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been delivered to all counsel of record, either through the CM/ECF system, depositing a copy of same in the United States mail, first class postage prepaid, by hand delivery or by facsimile transmission, this 2nd day of December, 2021, at their last known address of record.

*/s/ Nathan M. Gaudet*

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NATHAN M. GAUDET